

Nancy Bozzato

From: Cari Pupo
Sent: Wednesday, March 01, 2017 10:21 PM
To: GROUP_COUNCILLORS
Cc: GROUP_SMT; Darren Ottaway
Subject: Petroff Agreement
Attachments: ProDemnity Policy PPA ARK MWA MFA.pdf

Importance: High

Good evening;

At a previous meeting of Council the Petroff agreement was presented with a recommendation that Council sign the agreement.

Following discussion about the agreement, Council asked for clarification on two items; Insurance and ownership rights to drawings.

I had reached out to Michaela Wiener of Petroff for this clarification and following that discussion she put her responses in writing as follows:

1) liability insurance

Ontario Association of Architects mandates architectural practices to carry professional liability at a certain level that they determine. The mandatory professional liability is provided and only available thru Pro Demnity I am attaching herewith FYI and record our policy

2) copyright of the design and docs prepared by PPA

General Conditions of OAA's Standard Form of Contract for Architect's Services (OAA 600 & 601-2013) provides that all copyright in the architect's "Instruments of Services" belongs to the architect. "Instruments of Services" include editable and non-editable copies and electronic documents that comprise the design, drawings, specifications and reports prepared by or on behalf of the architect.

*Architect's Instruments of Service may be used only for the purposes intended and for a one time use, on the same site, and for the same Project for this Client only and may not be offered for sale or transfer. Specifically, this means that the design, drawings and any other documents prepared by Petroff Partnership Architects for the Pelham Community Centre can be used **ONLY** for this purpose (new community centre), on this site (corner of Wellspring Way and Shaw Blvd, East Fonthill) for this project for Town of Pelham.*

In discussion with the CAO and our legal representatives we believe that the responses provided by Michaela allow us to move forward with the signing of the agreement without the need for an amendment.

I will proceed to have both parties sign the agreement if there are no other concerns on this matter. Please advise at your earliest convenience if you have any further concerns.

Have a great evening.

Respectfully,

Cari



Cari Pupo, MBA, CPA, CGA
Treasurer/Director
Corporate Services

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From: Michaela Weiner [mailto:mweiner@petroff.com]
Sent: Monday, February 06, 2017 10:14 PM
To: Cari Pupo
Subject: Re: Agreement

Hi Cari,

There were 2 items that we discussed:

1) liability insurance

Ontario Association of Architects mandates architectural practices to carry professional liability at a certain level that they determine. The mandatory professional liability is provided and only available thru Pro Demnity

I am attaching herewith FYI and record our policy

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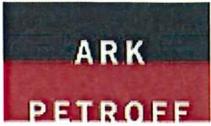
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I trust that the above answers are satisfactory. Please confirm.

Thank you

Regards,

Michaela Weiner, Partner



**Petroff Partnership
Architects / ARK Inc.**

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L3R 8H8
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Visit our web site at: www.petroff.com

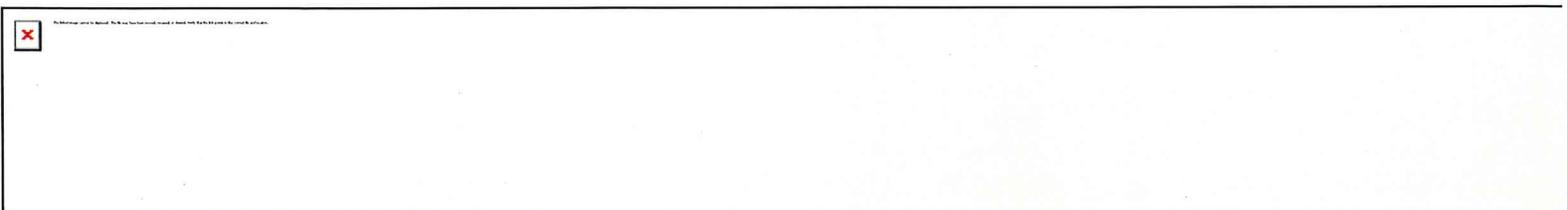
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>>> Cari Pupo <CPupo@pelham.ca> 2/6/2017 1:43 PM >>>

Hi Michaela,

Can you please send me the information regarding the insurance clause in the agreement as well as information about the shop drawings as we had discussed?

Thanks



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Michaela Weiner, Partner



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March 9, 2017

Petroff Partnership Architects
260 Town Centre Blvd., 3rd Floor
Markham, ON L3R 8H8

Attention: Michaela Weiner, Managing Partner

Dear Ms. Weiner:

Re: Agreement between Town of Pelham and Petroff Partnership Architects

We are pleased to enclosed By-law #3814(2016) authorizing the Mayor and Clerk to enter into this Agreement, together with one copy of the Agreement that has been duly signed pursuant to the requirements of the Municipal Act.

We look forward to our continued relationship throughout the Pelham Community Centre development.

Yours very truly,

A handwritten signature in black ink, appearing to read "Nancy J. Bozzato", is written over a faint circular watermark or logo.

Nancy J. Bozzato, *Dipl.M.M., AMCT*
Town Clerk

Encl.

From the Clerk's Department

